

Appl. No. 10/720,512  
Amdt. dated September 20, 2005  
Reply to Office action of June 24, 2005

Attorney Docket No. 1999B060/3

## **REMARKS**

### **Election/Restrictions**

Applicants confirm their election of claims 14-16.

### **Specification**

The specification has been extensively amended to correct the N in "NC" to a degree symbol. The clear intent over this typographical error was to provide the degree symbol. Given the context and the use of the word "degrees" and the "°" symbol throughout the specification, one of ordinary skill in the art would have known that use of "NC" was a typographical error. Applicants respectfully request withdrawal of this rejection.

### **Claim Objections**

Claim 16 contained grammatical errors which have been corrected as suggested by the Examiner.

### **Claims Rejections**

#### ***35 USC § 112***

(a) The Examiner has rejected claim 14 because "the scope of 'MI' cannot be determined . . . ." This has been corrected by insertion of the correct ASTM testing method as disclosed in the specification on page 11, lines 12-13. Applicants respectfully request withdrawal of this rejection.

(b) The Examiner has also objected to the use of the phrase "propylene sequences" because "the claim does not indicate the monomer length for determining a 'sequence'." However, Applicants' invention is not limited to a specific length of sequence. As used in the specification, a sequence can be any length (e.g., diad, triad, tetrad, etc.). This is discussed in the

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specification in the paragraph beginning on page 13, line 9. Thus, because Applicants' invention is not limited to any particular sequence lengths and because one of ordinary skill in the art would understand the term sequence as not requiring any particular lengths, it would be improper to require Applicants to recite a particular sequence length. For at least this reason, Applicants respectfully request withdrawal of this rejection.

### ***35 USC § 102(b)***

Claims 14-16 are rejected over EP 0 870 794 to *Nakagawa et al.* ("*Nakagawa*"). The Examiner asserts that the *Nakagawa* reference "shows in Production Example 1 the synthesis of a 40% crystalline propylene/butene copolymer comprising 76% propylene in the presence of a metallocene catalysis, and having a MI of 20 dg/10 min[, and] used as a component in a hot melt adhesive layer in a laminated film composition." Applicants respectfully traverse.

In order for a reference to anticipate a claim, every element of the claim must be present, expressly or inherently, in the cited reference. MPEP § 2131; *see also* 35 U.S.C. § 102. The cited Production Example 1 provides polymer having a MFR of 20 g/10 min (*i.e.*, 2 dg/min), far below the recited range of amended independent claim 14 (and dependent claims 15-16) of greater than 250 dg/min. Thus, because claims 14-16 do not disclose the recited MFR and indeed, disclose an MFR well below the recited MFR, claims 14-16 are not anticipated by the *Nakagawa* reference. Additionally, nowhere in the *Nakagawa* reference is it suggested that it would be desirable to modify the polymer such that the MFR is greater than 250 dg/min and claims 14-16 (as amended) would not be obvious in light of *Nakagawa*.

### **CONCLUSION**

For at least these reasons, Applicants believe the currently pending claims, as amended, are allowable. Withdrawal of the 35 USC § 102 rejection is respectfully requested, and a notice of allowance is earnestly solicited.


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Applicants invite the Examiner to telephone the undersigned attorney if there are any issues outstanding which have not been presented to the Examiner's satisfaction or if the Examiner believes it will assist or expedite his review of the case.

Respectfully submitted,

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Date

  
Jeremy H. Welch  
Attorney for Applicants  
Registration No. 52,348

Send Correspondence to:  
ExxonMobil Chemical Company  
*Law Technology*  
P.O. Box 2149  
Baytown, Texas 77522-2149  
Phone: 281-834-2429  
Fax: 281-834-2495